

REMARKS

Claims 1-12 are pending in the above-captioned application, all of which stand rejected under 35 U.S.C. §102(b) over Schrott et al. (DE 3600902). However, since Schrott et al. does not anticipate the invention of any of claims 1-12, this rejection should be withdrawn.

More specifically, the Office Action asserts that the cited German reference teaches producing a "flexible graphite foil" having impressions formed by a multiple stamping process, which, according to the Action, reads on the oscillating forming element claimed in the above-captioned application. Applicants disagree.

As a first point, while the Schrott et al. document discloses a graphite foil, nowhere in the reference is there disclosure of "flexible graphite" as used in the above-captioned application. As is clear from the specification of the above-captioned application, the term "flexible graphite" as used is a term of art referring to sheets of compressed particles of exfoliated graphite. Nothing in Schrott et al. is there reference to flexibility at all, and certainly not to the specific type of graphite material claimed by Applicants.

It bears noting that the term "graphite" has many meanings, ranging from high orientation graphite films formed from pyrolysis or chemical sputtering of

hydrocarbons, through compressed particles of exfoliated graphite, through synthetic graphite formed from the heat treatment of mixtures of coke and pitch at temperatures of about 3000°F. The use of the term "graphite" in Schrott et al., therefore, cannot and does not put one in possession of flexible graphite – sheets of compressed particles of exfoliated graphite. This is especially true since flexible graphite is a conformable material, and it would seem to one skilled in the art that a conformable material such as that would not be useful as an optical recording material without treatment with a resin, etc.; since Schrott et al. discloses nothing of the sort, there clearly is no teaching of flexible graphite, as that term is used in the above-captioned application, in the cited reference.

Moreover, the Office Action does not indicate where Schrott et al. teaches any apparatus or method wherein impressions are formed in a graphite sheet of any type by oscillating a forming element against the sheet. Reading this type of treatment into "machine stamping" is simply not supported by the disclosure.

Thus, the cited reference does not disclose either the type of graphite or the method applied to the graphite disclosed and claimed in the above-captioned application. As a consequence, there can be no anticipation of any of claims 1-12. In addition, since the Schrott et al. reference relates to completely different technology than that of the above-captioned application, there also is no suggestion

of the claimed invention, a fact tacitly acknowledged by there not having been a rejection under 35 U.S.C. §103.

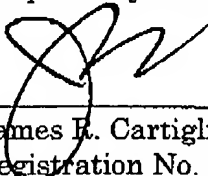
Accordingly, all claims 1-12 should be found allowable.

CONCLUSION

Based on the foregoing remarks, it is believed that allowance of all pending claims 1-12 is appropriate. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of these claims, the Examiner is requested to call the undersigned collect at 615.242.2400 to arrange for an interview which may expedite prosecution.

Applicant hereby petitions for an extension of time of one month to respond to the outstanding Office Action, extending the time to respond to September 4, 2005. The Commissioner is authorized to charge the extension fee of \$120 for a one month extension, as well as any deficiency, to Deposit Account No. 50-1202.

Respectfully submitted,



James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

Sep. 2. 2005 12:03PM

Waddy & Patterson

No. 0068 P. 6

James R. Cartiglia
Wadley & Patterson
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400